

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
BYUNG HOON KIM,	:	
a/k/a "James Kim,"	:	19 Cr. 392 (JPC)
	:	
Defendant.	:	
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WHEREAS, on or about May 28, 2019, BYUNG HOON KIM, a/k/a "James Kim," (the "Defendant"), was charged in a three-count Information, 19 Cr. 392 (JPC) (the "Information"), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to commit bank bribery, in violation of Title 18, United States Code, Section 371 (Count Two); and bank bribery, in violation of Title 18, United States Code, Sections 215(a)(1) and 2 (Count Three);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Three of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of the offenses charged in Counts One through Three of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Three of the Information that the Defendant personally obtained;

WHEREAS, on or about June 29, 2022, the Defendant pled guilty to Counts One through Three of the Information, pursuant to a plea agreement with the Government, wherein the

Defendant admitted the forfeiture allegation with respect to Counts One through Three of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), the proceeds traceable to the commission of the offenses charged in Counts One through Three of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$3,670,000 in United States currency, representing the proceeds traceable to the commission of the offenses charged in Counts One through Three of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with Edward Shin, a/k/a “Eungsoo Shin” charged in 19 Cr. 552 (JPC) (“Shin”), to the extent a forfeiture money judgment was entered against Shin in that case; and

WHEREAS, the Defendant admits that as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Tara M. LaMorte, Jessica Greenwood, and Anden Chow, of counsel, and the Defendant, and his counsel, Michael Burke, Esq., that:

1. As a result of the offenses charged in Counts One through Three of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$3,670,000 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with Edward Shin,

a/k/a Eungsoo Shin, to the extent a forfeiture money judgment was entered against Edward Shin in his case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant BYUNG HOON KIM, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

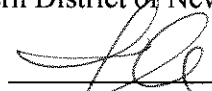
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:

  
TARA M. LAMORTE/JESSICA GREENWOOD/  
ANDEN CHOW  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-1041/1090/2348

2/2/2023  
DATE

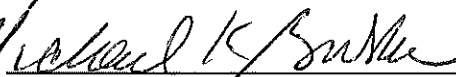
BYUNG HOON KIM

By:

  
BYUNG HOON KIM


2/2/2023  
DATE

By:

  
MICHAEL BURKE, ESQ.  
Attorney for Defendant  
Hodges, Walsh & Burke LLP  
55 Church St., Suite 211  
White Plains, New York 10601  
(845) 294-4080

2/2/2023  
DATE

SO ORDERED:

  
HONORABLE JOHN P. CRONAN  
UNITED STATES DISTRICT JUDGE

2/2/23  
DATE